



BOARD FOR GEOLOGISTS AND GEOPHYSICISTS  
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**MINUTES OF THE MEETING OF THE  
BOARD FOR GEOLOGISTS AND GEOPHYSICISTS  
March 25, 2002**

**2535 Capitol Oaks Drive  
Sacramento, CA 95833-2926**

**1. CALL MEETING TO ORDER**

Dorene Dominguez, President, called the meeting to order at 8:45 AM.

**2. ROLL CALL TO ESTABLISH QUORUM**

Dorene Dominguez, President  
Robert Matthews, Ph.D.  
Karen Melikian  
Sharon Jasek Reid

Others in attendance:

Paul Sweeney, Executive Officer  
Gary Duke, Legal Counsel  
George Dunfield, Enforcement Manager  
Mary Lynn Ferreira, Associate Governmental Program Analyst  
Jonathan Buttle, Department of Consumer Affairs (DCA), Budget Office  
Les Chan, DCA, Human Resources  
Joe Cota, Association of Engineering Geologists, Southern California  
J. C. Isham, Chair, Legislative Committee  
Susanna Knight, Oregon Board of Geologist Examiners  
Elizabeth Mathieson, Chair, Enforcement Oversight Committee  
John Munn, Professional Soil Scientist  
Cruz Naranjo, DCA, Legislative and Regulatory Review Division  
Kevin Peterson, DCA, Budget Office  
Rick Rempel, Registered Geologist  
Tony Sawyer, Vice Chair, Technical Advisory Committee  
David Von Aspern, Registered Environmental Assessor I

**3. SUPERIOR ACCOMPLISHMENT AWARD TO MARY LYNN FERREIRA**

Ms. Dominguez presented a Superior Accomplishment Award to Mary Lynn Ferreira in recognition of exceptionally meritorious services contributing to a marked improvement in the operations of the state government.

*The Mission of the Board for Geologists and Geophysicists is to Continuously Enhance the Quality, Value and Availability of Geological and Geophysical Services Offered to the People of California*

Ms. Dominguez also acknowledged the outstanding contributions to the Board by Seena Hoose as a Board member and Julia Turney as a Technical Advisory Committee member. Mr. Sweeney will send the Certificates of Appreciation to Ms. Hoose and Ms. Turney.

**4. PUBLIC COMMENT ON NON-AGENDA ITEMS**

Rick Rempel, Registered Geologist, stated he worked approximately 15 years for the State Regional Water Quality Control Board and is now retired and practicing as an environmental consultant. He congratulated the Board on its efforts to improve geological practice and commended the efforts of Mr. Sweeney and the Enforcement Unit. Mr. Rempel also encouraged the Board to consider strongly overseeing the practice of geology by public agencies' staffs, especially on the local level.

**5. APPROVAL OF THE MINUTES OF THE BOARD MEETING OF SEPTEMBER 28, 2001**

**Ms. Reid moved to approve the minutes of the September 28, 2001, Board meeting.**

**Ms. Melikian seconded.**

**The motion passed by majority.** (Aye – Dominguez, Melikian, Reid. Abstain – Matthews)

**6. ELECTION OF BOARD VICE-PRESIDENT**

**Ms. Reid moved to elect Dr. Matthews as Vice-president.**

**Ms. Melikian seconded.**

**The motion passed unanimously.**

**7. EXECUTIVE OFFICER'S REPORT**

- a. Jonathan Buttle, Budget Analyst, Department of Consumer Affairs (DCA) reviewed the current expenditures and revenue through February 2002, and projected expenditures and revenues through Fiscal Year 2003-04. He informed the Board that current projections would put the Board in a deficit in Fiscal Year 2003-04. Mr. Buttle advised the Board that it could avoid this deficit by reducing expenditures which the Board and staff already have reduced by 29% and by increasing fees. If the Board doubles renewal fees by July 2003, the fund would maintain a four-to-seven-months reserve ongoing into the future.

- b. George Dunfield, Enforcement Manager, reviewed the status of and statistics on enforcement and complaint cases since the last Board meeting.

Mr. Dunfield and Mr. Sweeney continue to work with the Office of Environmental Health Hazard Assessment (OEHHA) and are pursuing a confidentiality agreement between OEHHA and the Board to protect enforcement investigations.

Staff continues to assist the California Environmental Protection Agency's (Cal/EPA) boards and offices to clarify regulated activities completed by licensed Registered Geologists. Rich Bailey, Registered Environmental Assessor Program Manager, is designated by Cal/EPA as the contact person to describe the practice of geology for environmental projects.

Mr. Dunfield assisted the California Geological Survey in an effort to clarify the role of licensed Registered Geologists in forestry practice.

Ms. Dominguez expressed concern regarding the practice of geology by unlicensed Federal employees particularly regarding base closures.

Mr. Duke explained the practice of geology by Civil Engineers in response to an inquiry by Dr. Matthews.

Ms. Reid expressed concern regarding the aging of backlogged cases. Mr. Sweeney informed the Board about his meeting with Chief Gomez of the Division of Investigation regarding backlogged cases.

- c. The Winter 2001 California Geologists and Geophysicists newsletter was recently released. The next information bulletin will be released in late April or early May.
- d. Staff now posts Board and Committee minutes chronologically on the website. Previously only the most current minutes could be posted. In the near future, the directory of licensees information will be updated nightly which will allow current verifications.
- e. Mr. Sweeney did not give a Strategic Plan report because the Plan was being considered under Agenda Item No. 10.

- f. Mr. Sweeney provided his Executive Officer's Activity Report for spring 2002.
- g. Mr. Sweeney provided copies of Governor Davis' Executive Order D-48-01 and Department of Finance's Management Memo No. 01-21 regarding the hiring freeze that prohibits new hires.

Diane Cortopassi retired in January 2002 after more than thirty years of state service, twenty of which were with the Board.

DCA will conduct Board member workshops on April 23 and May 2, 15 and 16, 2002.

**8. DISCUSSION OF ENFORCEMENT ISSUES, PERSONNEL MATTERS, EXAMINATION PROCEDURES AND RESULTS, ADMINISTRATIVE ADJUDICATION, AND PENDING LITIGATION (AS NEEDED)**

The Board adjourned to closed session in accordance with subsections (c)(1) and (c)(3) of section 11126 of the Government Code.

The open meeting resumed.

**9. REPORT ON RESULTS OF CLOSED SESSION**

Ms. Dominguez reported that the Board considered a disciplinary matter and an examination matter during closed session.

**10. CONSIDERATION OF THE BOARD'S 2002 STRATEGIC PLAN**

Ms. Reid reviewed the March 2002 updates to the Board's Strategic Plan as recommended by the Strategic Planning Committee.

**Ms. Reid moved to adopt the Strategic Plan, Updated March 2002, as recommended by the Strategic Planning Committee.**

**Ms. Melikian seconded.**

**The motion passed unanimously.**

**11. REPORT ON STATUS OF DEPARTMENT OF CONSUMER AFFAIRS' REVISIONS TO ITS COMPLAINT DISCLOSURE POLICY**

The Board discussed the DCA's proposed Standards for Consumer Complaint Disclosure. The Board deferred action on revisions to its disclosure policy until DCA finalizes its document.

**12. REPORT ON STATUS OF SUBMITTAL TO THE DEPARTMENT OF CONSUMER AFFAIRS OF LEGISLATIVE PROPOSAL TO INCREASE LICENSE/RENEWAL FEES**

Mr. Sweeney reported that in November 2001, DCA's Legislation and Regulatory Review Division informed him that it was determined that the Board's legislative proposal to increase fees would not be appropriate for an administration-sponsored bill.

Mr. Sweeney also reported that Robin Hartley, Consultant, Joint Legislative Sunset Review Committee, and Bill Gage, Consultant, Business and Professions Committee, advised him to testify at legislative hearings in fall 2002 regarding the Board's fund condition. They also recommended that urgency legislation to increase fees be introduced in winter 2003. Mr. Sweeney is completing a fee background information questionnaire for Ms. Hartley who will arrange for the Board to testify at hearings in Fall 2002.

In the meantime, the Board has reduced expenditures by 29 percent and will continue to do so. If the Board does not accomplish a fee increase and depletes its reserve, it would submit a delinquency request to continue to operate.

**13. CONSIDERATION OF THE STATE OF WASHINGTON'S REQUEST FOR COOPERATIVE LICENSURE WITH THE STATE OF CALIFORNIA FOR THE BOARD'S TWO SPECIALTY LICENSES (CERTIFIED HYDROGEOLOGIST AND CERTIFIED ENGINEERING GEOLOGIST)**

Mr. Sweeney reported that the State of Washington has requested that the Board consider cooperative licensure with that state for Certified Engineering Geologists and Certified Hydrogeologists.

Susanna Knight, Administrator, Oregon State Board of Geologist Examiners, addressed the Board regarding a similar request from that state. She stated that it is the Oregon and Washington boards' hope that those states and California can develop a strong working relationship and recognize an engineering geology examination among the three states.

The Board discussed the matter, and Ms. Dominguez referred it to the Examination Committee for a report at the next Board meeting.

**(Board Directive No. 02-01) – (Examination Committee)**

**14. REPORT ON ACTIVITIES WITH THE NATIONAL ASSOCIATION OF STATE BOARDS OF GEOLOGY (ASBOG)**

- a. Mr. Sweeney and Ms. Reid reported on the National Association of State Boards of Geology (ASBOG) Annual Meeting that they and Seena Hoose, former Board member, attended in Pittsburgh, Pennsylvania, in October 2001. Mr. Sweeney provided the 2002 income budget report provided at that meeting.

The next ASBOG Annual Meeting will be held on November 6-11, 2002, in Biloxi, Mississippi.

- b. Susanna Knight, Administrator, Oregon State Board of Geologist Examiners, shared her observations regarding ASBOG and California's participation. She advised the Board that she has recommended to ASBOG that an additional Executive Council position be created, filled by an administrator and funded by ASBOG. Although ASBOG has not acted on this recommendation, she will continue to pursue it.

**15. REPORT ON MEETINGS WITH THE CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY AND THE STATE AND CONSUMER SERVICES AGENCY REGARDING THE REGISTERED ENVIRONMENTAL ASSESSOR PROGRAM**

David Von Aspern, Registered Environmental Assessor I (REA), addressed the Board on his own behalf regarding REAs performing school site assessments and his opposition to current Senate Bill No. 1958 (Polanco) that requires REAs II to be licensed as a Registered Geologist or Professional Engineer. He requested the Board to consider his comments before taking a position on this legislation.

The Board discussed the matter with Mr. Von Aspern, and Mr. Sweeney summarized OEHHA and the Board actions and disciplinary actions by the Board against REAs II. He explained that the Board is willing to share enforcement investigations with OEHHA if it agrees to confidentiality. Currently, OEHHA is reviewing a confidentiality agreement drafted by Gary Duke, Legal Counsel, in September 2001.

Mr. Sweeney reported that on December 20, 2001, Mr. Duke and he met with the undersecretaries of Cal-EPA and State and Consumer Services Agencies and program managers of the REA Program to resolve the issue of the confidentiality agreement and to encourage OEHHA to more proactively inform its registrants of the need to be very careful to not practice geology without a license or exceed their area of expertise as

outlined in the joint Board-OEHHA letter, dated February 23, 2001. Mr. Sweeney distributed a document on Environmental Justice prepared by the Governor's Office of Planning and Research.

John Munn, Professional Soil Scientist, stated concern about identifying soil gas surveys as the practice of geology and expressed opposition to SB 1958.

## **16. TECHNICAL ADVISORY COMMITTEE REPORT**

Tony Sawyer, Vice Chair, Technical Advisory Committee:

- a. The Committee met on November 16, 2001, and March 8, 2002. The Board received copies of the approved minutes of the November 16, 2001, meeting.
- b. At the March 8, 2002, meeting, TAC considered potential regulations pertaining to the practice of geology and the practice of soil science. A representative of the soil science profession was present at the meeting. After much discussion, TAC concluded that currently there is not an issue.
- c. TAC continues to consider potential amendments to section 3065 (Professional Standards), California Code of Regulations.
- d. Michael Hart and Robert Larson continued to participate as members of the Forest Practice Technical Advisory Committee. Because Mr. Larson's term on TAC expires on June 30, 2002, he resigned from the Forest Practice Technical Advisory Committee. Roy Shlemon volunteered to replace Mr. Larson.
- e. TAC recommended that Seena N. Hoose be appointed as a member to fill the position vacated by Julia Turney. Ms. Reid reminded the Board that in the past, the Board chose to not appoint former Board members to committees. The Board debated the issue.

**Ms. Melikian moved to appoint Seena N. Hoose as a member of the Technical Advisory Committee.**

**Dr. Matthews seconded.**

**The motion passed by majority.** (Aye – Dominguez, Matthews, Melikian. No – Reid)

- f. Mr. Sweeney reported that Robert Larson recommended that the Board contact the California Mining Association (CMA) to solicit

candidates to fill his position when his term expires on June 30, 2002. Mr. Sweeney has contacted the Executive Director of CMA.

## **17. LEGISLATIVE COMMITTEE REPORT**

J. C. Isham, Chair, Legislative Committee:

- a. Assembly Bill No. 269 (Correa) previously created a Division of Enforcement Oversight within DCA, required DCA to monitor and evaluate the consumer complaint and discipline system of each board and created a three-member panel to appoint the executive officer of each board. The bill was amended to delete those provisions. Currently, it adds sections to the Business and Professions Code stating that protection of the public shall be the highest priority for each DCA board in exercising its licensing, regulatory and disciplinary functions. The Board will continue to watch this legislation.
- b. Senate Bill No. 1958 (Polanco) requires that an applicant for registration as an REA II must be licensed as a Registered Geologist or a Professional Engineer.

**Dr. Matthews moved to support Senate Bill No. 1958.**

**Ms. Reid seconded.**

**The motion passed unanimously.**

Senate Bill No. 1963 (Polanco) makes a statement of legislative intent concerning the redevelopment of brownfields. The Board will watch this legislation.

Senate Bill No. 1240 (Figueroa) makes it a misdemeanor for any person, firm, corporation or association that is a non-governmental entity to solicit funds or information by means of a mailing that contains a seal, insignia, trade or brand name or any other term or symbol that reasonably could be interpreted or construed as implying any state or local government connection, approval or endorsement.

**Ms. Reid moved to support Senate Bill No. 1240.**

**Dr. Matthews seconded.**

**The motion passed unanimously.**



Senate Bill No. 1244 (Figueroa) requires the Governor to fill a vacancy on a DCA board or the State Board of Chiropractic Examiners within 30 days and provides that if the Governor fails to make an appointment, the Senate Committee on Rules may make the appointment. The Board will watch this legislation.

Senate Bill No. 2018 (Figueroa): (1) provides that money in certain funds that is attributable to fines, penalties or other enforcement actions is not continuously appropriated; (2) provides that these moneys shall only be available for expenditure upon appropriation by the Legislature; (3) authorizes the annual Budget Act to appropriate in a single budget item the entire amount available for expenditure in the budget year from any of these funds; and (4). provides that the appropriation could include the portion of a fund that is continuously appropriated and the portion that is not continuously appropriated. The Board will watch this legislation.

Senate Bill No. 2024 (Figueroa) provides that no time during a hiring freeze may be included when determining whether a position will be abolished because it has been vacant for six consecutive monthly pay periods.

**Ms. Reid moved to support Senate Bill No. 2024.**

**Ms. Melikian seconded.**

**The motion passed unanimously.**

Senate Bill No. 2059 (Figueroa) requires each DCA board to promulgate regulations by January 1, 2004, establishing a policy for the disclosure of all information related to the qualifications, competency, functions or duties of its licensees unless the disclosure would violate a licensee's right to privacy under the California Constitution or to procedural due process of law. The Board referred this legislation to the Technical Advisory Committee for review and to recommend any changes to its disclosure policy.

**(Board Directive No. 02-02) – (Technical Advisory Committee)**

Senate Bill No. 2025 (Business and Professions Committee) extends the Sunset Review Committee from 2004 to 2012 and extends the next review date for the Board from 2005 to 2006. The Board will watch this legislation.

- c. Betsy Mathieson reported that the California Council of Geoscience Organizations (CCGO) held its Legislative Day on March 13, 2002.

CCGO representatives met early in the day with the California Geological Survey and obtained printed information to present to the legislators. CCGO representatives also met with Mr. Sweeney and Mr. Dunfield during lunch. James Jacobs, CCGO President, issued a press release regarding the day.

- d. Joe Cota reported that the Association of Engineering Geologists (AEG), Southern California Section (SC) is watching SB 1500, SB 1958, SB 1963, AB 15 and AB 791. AEG, SC, would support SB 1958, but questions what electrical and mechanical engineers have to do with REA II work and hopes that language would be deleted.

The Board informed Mr. Cota that the Board has supported AB 791 and will watch SB 1500.

## **18. EXAMINATION COMMITTEE REPORT**

Mr. Sweeney reported for John Williams, Ph.D., Chair, Examination Committee:

- a. The Committee met on November 2, 2001, and February 1, 2002. The Board received approved minutes of the November 2, 2001, meeting and draft minutes of the February 1, 2002, meeting.
- b. The Board received attendance statistics for the March 15, 2002, examinations held in Sacramento and San Diego. The national examinations were returned to ASBOG on March 18, 2002, and the problems for the other examinations were sent to all graders by March 22, 2002.

The Board also received attendance statistics for the last 14 examinations.

- c. The Board received final attendance and result statistics for the September 14, 2001, examinations. Examinees were informed of their results in a timely manner.
- d. Ernest Weber's and Dr. Williams' terms expire on June 30, 2002. The Committee recommended that the Board appoint Martine Alter and Thomas Spittler.

**Ms. Reid moved to appoint Martine Alter and Thomas Spittler to the Examination Committee.**

**Ms. Melikian seconded.**

**The motion passed by majority.** (Aye – Matthews, Melikian, Reid. Abstain – Dominguez)

**19. ENFORCEMENT OVERSIGHT COMMITTEE REPORT**

Elizabeth Mathieson, Chair, Enforcement Oversight Committee, reported that the Committee has not met since the last Board meeting. The next meeting tentatively is scheduled for May 3, 2002.

Ms. Mathieson informed the Board that a member must be appointed to replace Seena N. Hoose whose term on the Board expired.

**Ms. Dominguez moved to appoint Dr. Matthews to the Enforcement Oversight Committee.**

**Ms. Melikian seconded.**

**The motion passed unanimously.**

**20. REPORT FROM BOARD ATTORNEY ON STATUS OF ASSIGNMENTS**

Gary Duke, Legal Counsel, reported that two attorneys have left the Legal Office resulting in increased workload for the remaining attorneys due to the hiring freeze. Mr. Duke added the Veterinary Medical Board to his assignments. He also provides legal counsel to the Board for Professional Engineers and Land Surveyors, Cemetery and Funeral Bureau, Bureau of Security and Investigative Services, Registered Veterinary Technician Committee and the Veterinary Medical Board. Mr. Duke is also in charge of handling third-party subpoenas the number of which has increased in the last year. There also has been a marked increase in the number of public records requests received.

Mr. Duke informed the Board that Joseph E. Odencrantz, Ph.D., continues to request that his name be deleted from Board meeting minutes where he addressed the Board. These minutes are posted on the Board's website. The Board, Mr. Sweeney and Mr. Duke have explained to Dr. Odencrantz that the minutes are historical records and will not be edited on the Board's website. In December, Dr. Odencrantz again contacted Mr. Duke requesting that the Board change its policy regarding not editing Board minutes on the website. Mr. Duke will respond to Dr. Odencrantz and reiterate the Board's position.

**21. ANNOUNCEMENTS/ACTIVITIES OF BOARD MEMBERS**

Ms. Dominguez reported that she met with Senator Diane Feinstein's office regarding the forestry issue. Senator Feinstein requested a copy of

SB 1958 and may do something similar on the Federal level regarding the practice of geology by unlicensed individuals.

**22. CONSIDERATION OF A CONTINGENCY PLAN FOR THE BOARD IN PREPARATION FOR THE NEXT FISCAL YEAR**

Mr. Sweeney reviewed the Board's mandated activities.

**23. ESTABLISH AGENDA FOR NEXT BOARD MEETING IN SACRAMENTO WITH NOTIFICATION THAT ITEMS MUST BE SUBMITTED TO BOARD OFFICE NO LATER THAN THREE WEEKS PRIOR TO THE MEETING DATE**

The Board tentatively scheduled the next meeting on July 8, 2002. Mr. Sweeney requested that any agenda items be submitted to him three weeks prior to the meeting.

**24. ADJOURN MEETING**

Ms. Dominguez adjourned the meeting at 2:00 P M.

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**DORENE DOMINGUEZ, President**

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**PAUL SWEENEY, Executive Officer**

**Date Approved:** July 12, 2002